



General Assembly

February Session, 2004

Amendment

LCO No. 5225

HB0566405225HDO

Offered by:
REP. STONE, 9th Dist.

To: House Bill No. 5664

File No. 500

Cal. No. 346

**"AN ACT ESTABLISHING THE CONNECTICUT REAL PROPERTY
ELECTRONIC RECORDING SYSTEM."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) As used in this section and
4 section 2 of this act, unless the context otherwise requires:

5 (1) "State real property electronic recording system" means a state-
6 wide real property electronic recording system, consisting of
7 information, databases, hardware, software and all components of
8 each town electronic recording system.

9 (2) "Document" means any instrument, in either electronic or paper
10 form, that creates, transfers, asserts or explains an interest in real
11 estate, including a deed, patent, mortgage, will, lien instrument, grant
12 of easement, affidavit, court order or decree, notice, order of fence
13 viewers and any other instrument that affects an interest in real estate.

14 (3) "Electronic" means relating to technology having electrical,
15 digital, magnetic, wireless, optical or electromagnetic capabilities or
16 similar capabilities.

17 (4) "Electronic document" means a document created by electronic
18 means.

19 (5) "Electronic signature" means an electronic sound, symbol or
20 process, attached to or logically associated with an electronic
21 document and executed or adopted by a person with the intent to sign
22 the electronic document.

23 (6) "Paper document" means a document printed in paper form.

24 (7) "Town electronic recording system" means any real property
25 electronic recording system that may be maintained by a town in this
26 state, consisting of information, databases, hardware, software and all
27 components of such system.

28 Sec. 2. (NEW) (*Effective from passage*) (a) There is established an
29 Electronic Recording Commission which shall be within the State
30 Library for administrative purposes only. The commission shall consist
31 of the following members: (1) The Secretary of the State, or the
32 Secretary of the State's designee; (2) the Chief Information Officer of
33 the Department of Information Technology, or the Chief Information
34 Officer's designee; (3) the Public Records Administrator, or the Public
35 Records Administrator's designee; (4) a member of the real property
36 section of the Connecticut Bar Association, appointed by the speaker of
37 the House of Representatives; (5) a town clerk representing the
38 Connecticut Town Clerk's Association, appointed by the president pro
39 tempore of the Senate; (6) a representative of a title insurance
40 company, appointed by the minority leader of the House of
41 Representatives; and (7) a representative of the mortgage banking
42 industry, appointed by the minority leader of the Senate. The members
43 initially appointed under subdivisions (4) and (7) of this subsection
44 shall serve for a term of two years from July 1, 2004, and the members
45 subsequently appointed under said subdivisions shall serve for terms

46 of three years from July first in the year of their appointment. The
47 members appointed under subdivisions (5) and (6) of this subsection
48 shall serve terms of three years from July first in the year of their
49 appointment. Initial appointments under subdivisions (4) to (7),
50 inclusive, of this subsection shall be made not later than sixty days
51 after the effective date of this section. Vacancies on the commission
52 shall be filled by the appointing authority. The commission shall elect
53 a chairperson and a vice-chairperson from among its members.
54 Members of the commission shall serve without compensation but
55 shall, within the limits of available funds, be reimbursed for expenses
56 necessarily incurred in the performance of their duties.

57 (b) The Electronic Recording Commission shall adopt standards to
58 be used in the development, implementation and operation of a state
59 real property electronic system, provided such standards shall not be
60 deemed to be regulations, as defined in section 4-166 of the general
61 statutes. Such standards shall set forth:

62 (1) The manner and format in which an electronic document shall be
63 submitted, received, returned, stored and retrieved, and specifications
64 for the systems established for such purposes;

65 (2) The type of electronic signature required, the manner, format
66 and technological processes in which an electronic signature shall be
67 affixed to an electronic document, the manner, format and
68 technological processes for certifying authorities for such electronic
69 signatures, and the identity of, or criteria that shall be met by, any
70 third party used by town clerks to facilitate the process of affixing
71 electronic signatures and filing electronic documents. Such formats
72 and technological processes shall be capable of assuring that (A) the
73 party indicated to have signed an electronic document is the party who
74 actually signed the electronic document, and (B) the electronic
75 document and its electronic signature have been electronically sealed
76 to protect the document and signature from being changed after
77 execution;

78 (3) Processes and procedures to ensure (A) adequate preservation,
79 disposition, integrity, security and confidentiality of electronic
80 documents, and (B) the ability to adequately audit electronic
81 documents;

82 (4) Any other attributes for electronic documents that are required
83 by law for corresponding paper documents or reasonably necessary
84 for the purpose of filing such electronic documents;

85 (5) The manner and format in which an electronic version of a paper
86 document shall be created;

87 (6) Qualifications for town clerks and other authorized persons
88 entering information into a state electronic real property recording
89 system, and procedures for the commission's determination as to
90 whether such qualifications are met;

91 (7) The procedure for payment of recording fees required under
92 section 7-34a of the general statutes by electronic funds transfer;

93 (8) The procedure for searching for real estate information in a state
94 real property electronic recording system;

95 (9) Such fee schedule for remote access searches for real estate
96 information in a state real property electronic recording system as the
97 commission may establish, and procedures for the collection and
98 allocation of any such fees by and among town clerks; and

99 (10) Any other requirements or procedures necessary for the
100 development, implementation or operation of a state real property
101 electronic recording system."

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>